

**CALENDAR ITEM
C03**

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08/09/16

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PRC 6751.9
M.J. Columbus

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Feather River Recreation and Park District

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Feather River, adjacent to a public park, known as Riverbend Park, near the city of Oroville, Butte County.

AUTHORIZED USE:

Continued use and maintenance of a public park and associated facilities, consisting of existing bike paths and jogging trails previously authorized by the Commission; and use and maintenance of an existing boat dock, launching ramp, parking lot, disc golf course, four covered pavilions with barbecues, three multi-use fields, three kiosks with cement picnic tables, sitting benches, restrooms, exercise stations, children's play structures, and a seasonal water play feature not previously authorized by the Commission.

LEASE TERM:

20 years, beginning October 1, 2014.

CONSIDERATION:

\$125 per year, with an annual Consumer Price Index adjustment

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

As part of the Feather River Enhancement Project and pursuant to the terms of an Operating Agreement dated August 4, 1977, the Department of Water Resources (DWR) was granted five parcels of land adjacent to

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the Feather River through a Final Order of Condemnation on December 7, 1984. Portions of those lands were found to lie within the last natural bed of the Feather River. Therefore, a portion of the uplands are under the jurisdiction of the Commission. DWR subsequently developed bike paths and jogging trails that are located within the Commission's jurisdiction.

On November 29, 1984, the Commission issued a 30-year General Permit – Public Agency Use to DWR for the maintenance of a public park (Park or Riverbend Park) and facilities, consisting of a bike trail, jogging paths, and lifeguard stations. Since the issuance of that permit, DWR re-conveyed the land along with the complete control and management of Riverbend Park and its facilities to the Feather River Park and Recreation District (Applicant). That permit expired on September 30, 2014. The Applicant has now applied for a General Lease – Public Agency Use.

The Applicant confirmed that the lifeguard stations previously authorized by the Commission were never installed. However, other facilities have existed on State-owned land adjacent to the park for many years, but were not previously authorized by the Commission. These include: a boat dock, launching ramp, parking lot, disc golf course, four covered pavilions with barbecues, three multi-use fields, three kiosks with cement picnic tables, sitting benches, restrooms, exercise stations, children's play structures, and a seasonal water play feature.

The park area is approximately 210 acres and runs along the east side of the Feather River and is owned by the Applicant. Use of the park is free to the public and provides multiple recreational facilities and access to the river year-round. The three multi-use fields have existed at the site for many years, but were never authorized by the Commission. The multi-use fields are occasionally subject to programmed uses and are predominantly available for open public use. When the programmed use occurs August through November (a few days a week for a few hours in the afternoon and evening), one field remains open for public use. The programmed use of the multi-use fields are not water dependent and restrict the statewide public's ability to access and utilize sovereign land and as such is generally not consistent with the Public Trust. The lease contains a provision stating should there be a conflict between a Public Trust consistent use and the programed use, the Public Trust consistent use will prevail. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land. As such, the

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multi-use fields do not substantially interfere with the Public's Trust needs and values at this location and during the lease term.

The other park facilities are located within a public park and do not restrict public access to the river, but rather enhance public recreation and access to and along the river.

Furthermore, the lease is for a limited term. It requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon, and upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to its original condition.

For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction and Strategy 1.3 to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through

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the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values at this location, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to Feather River Recreational and Park District beginning October 1, 2014, for a term of 20 years, for the continued use and maintenance of a public park and facilities, consisting of bike paths and jogging trails previously authorized by the Commission, and use and maintenance of an existing boat dock, launching ramp, parking lot, disc golf course, four covered pavilions with barbecues, three multi-use fields, three kiosks with cement picnic tables, sitting benches, restrooms, exercise stations, children's play structures, and a seasonal water play feature not previously authorized by the Commission as described in Exhibit A, Land Description, and shown on Exhibit B, Site and Location Map (for reference purposes only) attached

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and by this reference made a part hereof; consideration to be \$125 per year, with an annual Consumer Price Index adjustment.

EXHIBIT A

PRC 6751.1

LAND DESCRIPTION

Any State interest in a parcel of land lying in the current or historic bed of the Feather River, County of Butte, State of California, described as follows:

That portion of the Feather River lying between the Meander Line of the left bank as shown on Official Government Township plats for Township 19 North, Range 4 East, approved November 14, 1867 and Township 19 North, Range 5 East, approved March 3, 1856, and the centerline of said River, lying downstream of that course described as South 24°41' East 182.47 feet, and the northwesterly prolongation thereof of Parcel FRR-2 Unit A as described in Section 3 of Lease No. PRC 6751.9 on file at the Sacramento Office of the California State Lands Commission; lying upstream of the southerly boundary of the right of way of the Sacramento Northern Railway, or the westerly prolongation thereof, as described in Parcel Two of Exhibit "A" of Conservation Easement Deed recorded as document 2010-0040639, Official Records of said County.

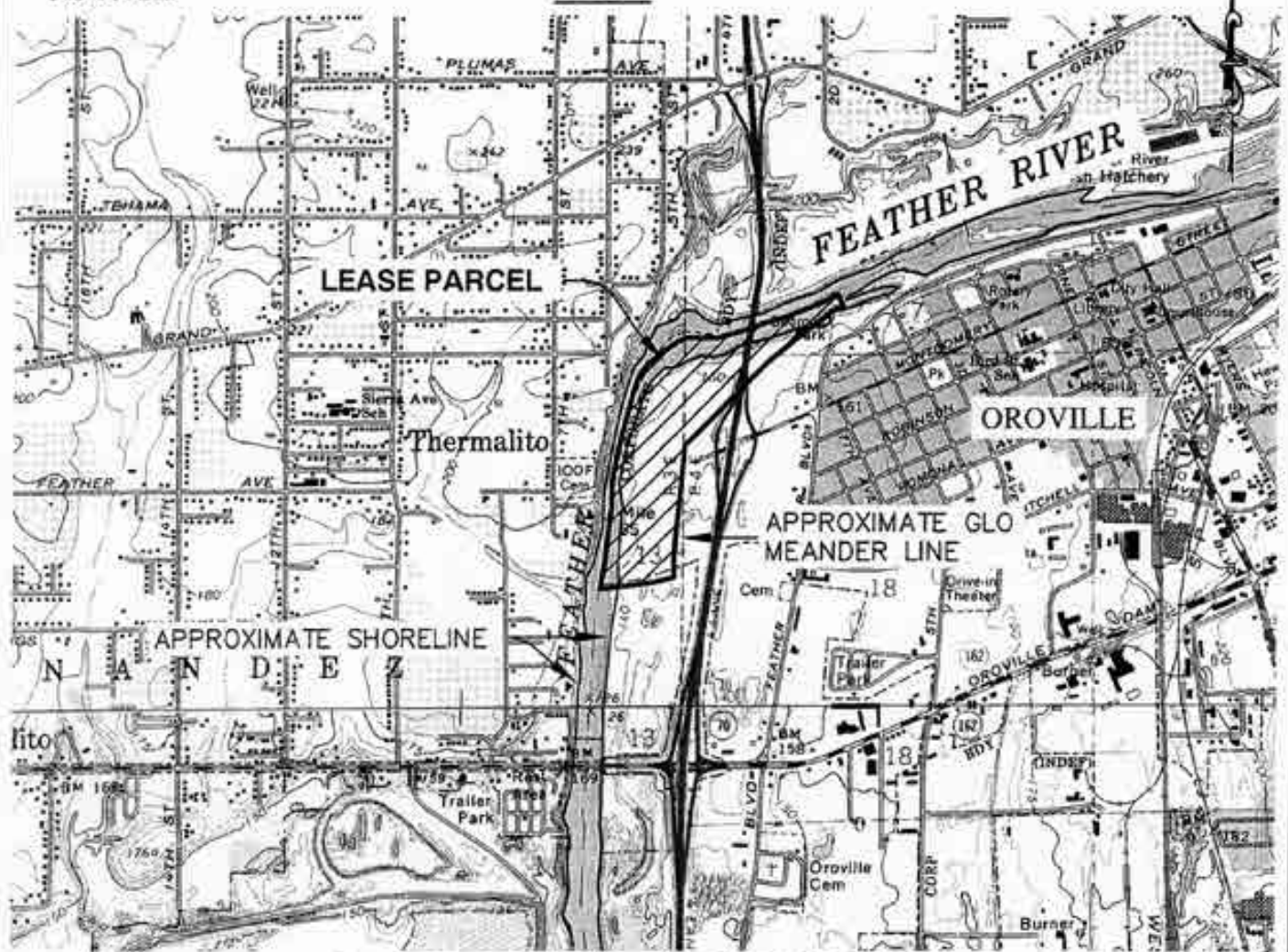
END OF DESCRIPTION

Prepared 3/7/2016 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



FEATHER RIVER, NEAR OROVILLE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 6751.1
FEATHER RIVER
RECREATIONAL & PARK
DISTRICT
GENERAL LEASE -
PUBLIC AGENCY USE
BUTTE COUNTY



DJP 02/08/2016